

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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DANIEL W. FAERFERS and KATJA  
FAERFERS,

NO. CIV. S 04-2690 MCE PAN

Plaintiffs,

v.

ORDER

CAVIAR CREATOR, INC., a Nevada  
Corporation, individually and  
as successor to CAVIAR  
CREATOR, INC., an Oregon  
Corporation,

Defendants.

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On June 16, 2005, Defendant Caviar Creator, Inc., a Nevada Corporation, moved to dismiss, with prejudice, Plaintiffs' Third Claim, for fraud. Defendant's motion is premised on grounds that Plaintiffs' Third Claim fails to state a claim upon which relief can be granted pursuant to Federal Rule of Civil Procedure 12(b)(6).


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1 Plaintiffs filed a Statement of Non-Opposition to  
2 Defendant's Motion on June 11, 2005. Given that non-opposition,  
3 and good cause appearing therefor, Defendant's Motion is GRANTED.  
4 Plaintiffs' Third Claim, for fraud, is hereby dismissed, with  
5 prejudice.

6 IT IS SO ORDERED.

7 DATED: July 18, 2005

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11 MORRISON C. ENGLAND, JR.

12 UNITED STATES DISTRICT JUDGE  
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